

HARVEY SISKIND LLP  
D. Peter Harvey (SBN 55712)  
pharvey@harveysiskind.com  
Seth I. Appel (SBN 233421)  
sappel@harveysiskind.com  
4 Embarcadero Center, 39th Floor  
San Francisco, California 94111  
Telephone: (415) 354-0100  
Facsimile: (415) 391-7124

Attorneys for Defendants  
RED HAT, INC. and  
RED HAT MIDDLEWARE, LLC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

FIRESTAR SOFTWARE, INC.,

Case No. C 07-80204 MISC MMC (EMC)

Plaintiff.

V.

RED HAT, INC., et al.,

## Defendants.

**STIPULATION AND [PROPOSED]  
ORDER RESCHEDULING HEARING  
ON THOUGHT, INC.'S MOTION TO  
QUASH THIRD PARTY SUBPOENA, OR  
IN THE ALTERNATIVE, FOR A  
PROTECTIVE ORDER**

The Parties hereby stipulate that the hearing on Thought, Inc.'s motion to quash third party subpoena, or in the alternative, for a protective order be rescheduled to March 19, 2008, at 10:30 a.m.

Dated: January 31, 2008

Respectfully submitted,

HARVEY SISKIND LLP

By: \_\_\_\_\_ /s/  
Seth I. Appel

Atorneys for Defendants  
RED HAT, INC. and RED HAT MIDDLEWARE, LLC.

## JOHN JASON GENTRY MULLINS

By: \_\_\_\_\_ /s/  
John Jason Gentry Mullins

Attorneys for Third Party  
THOUGHT, INC.

**[PROPOSED] ORDER**

The Parties have stipulated that the hearing on Thought, Inc.'s motion to quash third party subpoena, or in the alternative, for a protective order be rescheduled to March 19, 2008, at 10:30 a.m.

Good cause appearing therefore:

IT IS SO ORDERED.

Dated: February 1, 2006

The Honorable Edward M. Chen  
United States District Court  
Northern District of California

IT IS SO ORDERED

*Edward M. Chen*  
Judge Edward M. Chen